claims of the Senate are thus fully recognized, even where the joint high commission of inquiry may have held, by the vote of all or of all but one of its members, that a subject is proper for arbitration; for in no case can a question be arbitrated under the pending treaties without the concurrence of the Senate and its approval of the terms of reference.

Finally, it may be asked, What expectations may be formed as to the effect of the pending treaties? It is reasonable to assume that they will assure continued peace between the contracting parties. This will at any rate be their tendency. More than this cannot be predicated of any human contrivance. Neither the best considered constitutions nor the most firmly established judicial tribunals have effectually prevented the outbreak of civil strife. The American Civil War took place in spite of the Constitution and of the Supreme Court. This fact is not, however, an argument against the beneficence either of the Constitution or of the Supreme Court. It merely means that emergencies arise, that outbursts of feeling take place, which transcend and override all artificial barriers. In the abundant proofs which history affords of the existence of this human possibility, sufficient consolation may be found by those who may be apprehensive lest the use of force in the world may be too much restrained. Nevertheless, as it is now conceded on all hands that peace rather than war is the normal condition of civilized man, and that progress toward stable conditions of peace can be assured only through the regulated administration of justice, international as well as national, the pending treaties should be hailed as an evident and enlightened advance in that direction.

President Taft's Pleas for the Treaties.

From the Address of the President to the Methodist Chautauqua, Mountain Lake Park, Md., August 7, 1911.

Treaties with England and France are of the utmost importance, not in the actual prevention of war between those countries, because the danger of such a cataclysm as that is, thank God, most remote, but they are most important as steps toward the settlement of all international controversies between all countries by peaceable means and by arbitration. The fact that two great nations like Great Britain and the United States, or like France and the United States, should be willing to submit all controversies to a peaceful and impartial tribunal cannot but work for righteousness among the nations, and for a willingness on their part to adopt the same means for the settlement of international disputes. To have these treaties not ratified, therefore, by the Senate of the United States, or to have any hesitation and discussion of a serious character in respect to them, would halt the movement toward general peace which has made substantial advance in the last years. To secure the ratification of the treaties, therefore, appeal must be made to the moral sense of the nation. This movement has attracted the attention not only of England and of France, but of all the countries of Europe and of the Orient. It is not too much to hope that there are a number of others who will be willing now to sign the same kind of treaties as those already made, and that we may ultimately have a network of such agreements making long strides toward universal peace.

From the President's Address to the Veterans of the G. A. R. at Rochester, N. Y., August 23, 1911.

Objection has been made that under the first section of this treaty it might be claimed that we would be called upon to submit to arbitration the Monroe Doctrine, our right to exclude foreign peoples from our shores, or the question of the validity of the Southern bonds issued in reconstruction days. These suggestions have nothing in them. The question of the Monroe policy is not a justiciable one. It is one of purely governmental policy, which we have followed for a century, and which the countries of Europe have generally acquiesced in. Certainly with respect to this very matter Sir Edward Grey, the Secretary of State for Foreign Affairs, has announced publicly that the Monroe policy could not be disputed by them under this treaty and would not come within its terms. With respect to the exclusion of immigrants, it is a principle of international law that each country may allow those to come to its shores whom it chooses to have admitted to the country and may reject others, and that this is a subject of democratic policy which no foreign country can interfere in, unless it is covered by a treaty, and then it may become properly a question of treaty construction. But in the absence of a treaty it is not an arbitrable question. With reference to the right to involve the United States in a controversy over the obligation of certain Southern States to pay bonds issued during reconstruction which have been repudiated, it is sufficient to say that such a question would not come within the treaty, for the treaty only affects cases hereafter arising, and the cases of the Southern bonds all arose years ago.

From the President's Address Before the American Bar Association, Boston, August 31, 1911.

We have negotiated two treaties, one with France and one with England, and we have constituted two tribunals. First, a tribunal of arbitration pure and simple, to decide justiciable questions, and they are defined to be questions requiring for their solution principles of law and equity, including both domestic and international law. To the second tribunal, a Joint High Commission, consisting of three representatives of the two parties, is committed not only the negotiation and recommendation in an advisory capacity as to controversies arising, but also a power of final decision by a vote of five to one as to whether questions in respect to which the parties differ as to their justiciable character are justiciable and come under the first section of the treaty. Now, I state this just for the purpose of appealing to lawyers. The majority of the Committee on Foreign Relations in the Senate has said that to enter into an agreement of this sort by the Senate is for the Senate to delegate some powers that were conferred upon it by the Constitution. Well, there were not any more powers conferred by the Constitution upon the Senate with reference to making treaties than there were upon the Executive. I think that is pretty plain, because the Executive has to initiate, and, of course, has to agree to the treaties before they can go into force. Now, my proposition is this: that if the Senate has power to make an agreement which shall

bind it and the Government—or, rather, which shall bind the Government, and therefore bind it—to consent to the adjudication of any class of questions arising in the future by a board of arbitration, then it necessarily follows that it has the right to consent to this treaty. For the reason that the question arising before this commission is—what? It is the question of the construction of the first section of the treaty, and the class of questions most likely to arise in arbitration cases is that of the construction of treaties. Therefore, all the Senate agrees to do is to abide by the judgment of this Joint High Commission as to what the construction of that clause shall be in the future when the cases arise. In other words, it is only agreeing to do what it has already agreed to do in a dozen of cases, namely, to abide the arbitration of a tribunal as to certain classes of questions that arise in the future. They have done that. Therefore, they have admitted the power to bind themselves to abide the judgment as to certain classes of questions in the future, and this is only one of a class, to wit, one of a class of construction of the treaty.

Now, I am most anxious that that feature of the treaty should be allowed to remain in, and I am anxious because I want to make this treaty mean something; I want to have it have a binding effect—to accomplish something. You know they say the Indians when they are sick don't like any medicine except something that bites—something that is bad to take. Now, I do not think we are going to get ahead with this arbitration business unless we are willing to assume an obligation to execute a judgment that may bite and may be bad for us to take; and, if we are going to take the position that we will wait until the question arises and then conclude, because we do not think we can win in the arbitration case, that it is not a justiciable question, then we have written our promise in water and we have made agreements that will dissolve under the test of experience. And when that shall arise and the result follows which may be anticipated, then instead of promoting the cause of arbitration we shall have interfered with it, obstructed it, and made it a laughing-stock for nations.

From the President's Address at the Connecticut State Fair, Hartford, September 7, 1911.

There is precedent for the present treaties in a successful convention between Norway and Sweden which has been scrupulously and exactly observed.

It is a well-known fact that Norway and Sweden have made an agreement to settle all differences except those of vital interest and national honor by submission to the Hague tribunal, and they have further agreed that when they differ as to whether the controversy arising is arbitrable under the treaty, or is within the exception, to submit that question to the board of arbitration for its final decision. Now, if I understand the attitude of the majority of the Senate committee, it is that they have no power, and therefore the Government has no power, to enter into a treaty by which we shall agree to submit to a third person, constituting an independent tribunal, the question whether we are bound under a treaty to abide by the judgment of the tribunal as to a particular issue. I cannot exaggerate the importance of escaping from the limited and narrow view the majority of the Senate committee takes of the powers of the Senate in this regard and of securing action by the Senate sustaining the minority view. The ideal toward which we are all working with these treaties is the ultimate establishment of an arbitral court to which we shall submit our international controversies with the same freedom and the same dependence on the judgment as in case of domestic courts. If the Senate cannot bind itself to submit questions of jurisdiction arising under the treaty, as Norway and Sweden have done, for instance, then the prospect of real and substantial progress is most discouraging.

From President Taft's Article in the Woman's Home Companion for November. (With permission.)

This submission to the final decision of the Joint High Commission of the question whether a controversy is arbitrable or not is as important as any part of this treaty. It is the pledge of our good faith that we are binding ourselves to a contract which we mean to keep, even if the decision under it is contrary to our view. It makes strong the analogy between these treaties and contracts between individuals, which in case of future differences must come before a court with power to decide, and to bind the parties by the decision. The view of the majority of the Senate committee seems to be that we ought to reserve the right and privilege of deciding for ourselves whether an issue is arbitrable until it arises and we have a chance to determine whether it is for our interest then to submit it. This is to take out of the treaty the chief feature of a contract; *i. e.*, its binding quality in the future. It is to make the treaty nothing but a general declaration that we are favorable to arbitration, and, in effect, to say that we will arbitrate anything in the future that we do not think will injure us to arbitrate. This is no progress at all. A treaty, to be useful for our purpose, ought to be a self-denying ordinance—one which binds us to submit our differences in the future to the decision of some tribunal, whether, when the issue arises, we may like to do so or not. To treat these international agreements as effective to bring us before a tribunal only when we think they ought to is to rob them of much of their efficacy and usefulness. If they are to do the good we all hope, they ought to bind us firmly when we do not wish to be bound. They ought to compel us to arbitrate when we would rather not submit the question to an impartial tribunal. An agreement which leaves the parties to arbitrate when it suits them is a pact that is written in water, and might as well not have been made. Now, I do not say that this would be the effect of striking out the third clause, because the first clause construed in the forum of the public opinion of the world would have some force to compel our Executive and our Senate to submit questions plainly within its description to arbitration; but where there were any room for dispute, the question of the arbitrable character of the issue should be submitted to a tribunal different from the parties themselves. The third clause is not as strong, and not as satisfactory to me as if it left to the Hague or other tribunal of arbitration under the first clause the power to decide whether any controversy arising is within the description of that clause, and so arbitrable under the treaty. Such a clause is contained in a treaty between Norway and Sweden agreeing to arbitration as to certain classes of treaties. It follows

the analogy of the power of a court of superior jurisdiction to determine finally for the parties that the case arising is within its power to decide.

The plan of submission to a Joint High Commission, composed of three citizens or subjects of one party and the same number of another, is a concession to the fear of being too tightly bound to an adverse decision made manifest in the objections of the Senate committee, because it may well be supposed that two out of three citizens or subjects of one party would not decide that an issue was arbitrable under the treaty against the contention of their own country unless it were reasonably clear that the issue was justiciable under the first clause of the treaty.

From His Address at the Capitol, Sacramento, California.

We have heard a great deal during the past six months in favor of general arbitration treaties for the promotion of the peace of the world. I believe there has been of late more genuine expression of sentiment among all the people of the earth for peace than ever before in the world's history. The craving for some effective means of promoting peace grows not so much out of actual war as out of the desperation with which the great nations are increasing the stupendous burden of armies and armament, making Europe an armed camp, with the growing menace of bankruptcy.

The fact is that we have had very little war in the last twenty-five years, and one of the reasons has been the rivalry in preparation for war and the certainty of financial disaster to some nations which must follow.

Among these great nations there is the conservatism of domestic stability and the law-abiding character of the population. Universal treaties of arbitration for such countries are of the highest importance as probably furnishing a means by which all may be induced ultimately to reduce their armaments, when it shall become apparent that arbitration is a real and practical substitute for war.

Support President Taft's Arbitration Treaties.

By His Eminence James Cardinal Gibbons.

Address delivered at the opening of the Baltimore Peace Congress, May 3, 1911.

Mr. CHAIRMAN: I shall make my remarks, ladies and gentlemen, as brief as possible, as I do not wish to detain the honored President of the United States, who is soon going to address you. I was requested to offer a prayer at the opening of this great convention of peace, but I regard a specific invocation quite unnecessary, inasmuch as I am satisfied that all the addresses that shall be made from this place today will be prayers for peace.

I assume that the purpose of this great and distinguished gathering is to create, to promote closer and more friendly relations between the United States and Great Britain, and I am firmly persuaded that a treaty of arbitration between England and the United States would be not only a source of infinite blessings to both of the nations concerned, but also will prepare the way for enduring peace throughout the whole world. There are many reasons why there should be a closer alliance between England and the United States. We speak the same noble language—a language, by the way, which today is more generally employed than any tongue in the civilized world. Not only do we speak that same tongue, but we also enjoy the same literature; the classic literature of England is ours, from Chaucer down to Newman, and the classic literature of the United States is claimed also by England. The literature of both countries is a common heritage to both.

Again, we are living practically under the same form of government. The head of our nation is the honored President before us. The head of England is the King. We are ruled by a constitutional republic; England is ruled by a constitutional monarchy, and I venture to say, without any disparagement whatever of other nations, that England and the United States have been more happy in reconciling and in adjusting legitimate authority with personal individual liberty than any other nations on the face of the earth.

We all know the vast dominions of the British Empire. England's empire embraces about ten million square miles, or about one-fifth of the surface of the globe. Great was the extent of the Roman Empire in the days of the imperial Cæsars. The Empire of Rome extended into Europe as far as the river Danube; it extended into Asia as far as the Tigris and the Euphrates, and into Africa as far as Mauretania. And yet the extent of the Roman Empire was scarcely one-sixth of that of the British Empire of today.

Daniel Webster, the great statesman, about sixty years ago made a speech in the United States Senate in which he thus described the vast extent of the British Empire: "She has dotted the whole surface of the earth with her possessions and military forces, whose morning drumbeat, following the sun and keeping company with the hours, encircles the whole earth with one unbroken strain of the martial airs of England."

The United States today houses one hundred millions of happy and contented people, and our nation, our government, exercises a certain dominant, but still more a very salutary, influence on the many republics of America that are south of us. We all know that its influence is not to destroy, but to save. This influence is not to dismember, but the aid of our President is always with the cause of peace and righteous economy.

Oh, my friends, how happy will the day be when these two great nations unite in the cause of permanent friendship.

We are told in Holy Scriptures that when the waters receded from the earth, in the time of Noah, Almighty God made a solemn covenant with the Patriarch and his posterity that from that time forth never again would this earth of ours be deluged by water, and as a sign, as a symbol, as an evidence of this covenant which He made, He caused an arc—a rainbow—to appear in the heavens. Let Britannia and Columbia join hands across the Atlantic, and their outstretched arms will form a sacred arc—a sacred rainbow—of peace, that will excite the admiration of the world, and will proclaim to mankind that with God's help nevermore again shall this earth of ours be deluged with blood shed in fratricidal war. (Applause.)

I am sure that the time is most auspicious for the consummation of this great event. It sees us start with the help of one whom we all honor, the President of the United States, who brings to its support his own strong